

REMARKS

Please cancel Claims 6, 7, 14, 17 and 18, without prejudice. Support for the amendments to the claims regarding the nucleator/clarifier are contained, for example, at page 13, line 29 through page 14, line 17 of the specification as filed and the Examples. Support for the amendments to the claims regarding the levels of haze exhibited by the resins/compositions may be found, for example, at page 4, lines 22 through 26, page 5, lines 21 through 25, page 6, lines 7 through 10, page 35, lines 17 through 21 and the Examples as a whole. Support for the amendments to the claims regarding the density of the impact modifier may be found, for example at page 7, line 34 through page 8, line 10.

Please amend the specification to include the statement regarding the priority for the Captioned Application. A copy of the Filing Receipt No. *OC000000016717113*, Confirmation No. 3051, dated 08/23/2005, showing the domestic priority claimed for the Application is enclosed herewith.

35 U.S.C. §102(b) Rejection of Claims 1-5 and 8-20 In View of Glacobbe et al. (EP 757 069):

Applicants' currently amended claims make it clear that Applicants' claimed invention is a highly crystalline polypropylene resin (or an impact modified composition containing such a highly crystalline polypropylene resin) which is nucleated/clarified with relatively low amounts of nucleator/clarifier additive to provide resins (or an impact modified composition containing such highly crystalline polypropylene resin) which exhibit an excellent balance of high clarity (low haze) and high stiffness (high flexural modulus) from a resin having a relatively narrow molecular weight distribution, high isotacticity, and low xylene solubles. This is very different from Glacobbe et al., which in no way teaches or suggests the use of a nucleator/clarifier additive or at the levels recited in Applicants' currently amended claims.

Furthermore, Glacobbe et al. in no way teaches or suggests a polyolefin composition, as recited in Applicants' Claim 16, which is a polyolefin composition having both a highly crystalline polypropylene resin and an impact modifier, which has a density of from 0.885 g/ml to 0.91 g/ml as recited in Applicants' currently amended Claim 16.

For the above reasons, Applicants urge that the currently pending claims are patentable over Glacobbe et al. and request the Examiner to reconsider his rejection of Claims 1-5, and 8-20 in view of Glacobbe et al. and to find Claims 1-5 and 5-25 patentable over Glacobbe et al.

35 U.S.C. §102 (b) Rejection of Claims 8-20 In View of Moriya et al. (EP 903 356):

The Examiner, in rejecting Claims 8-20 as anticipated by Moriya et al., indicated:

“The reference discloses in Comparative Example 3 polypropylene having the claimed Mw/Mn, MFR and FM. Although the reference has not measured the xylene solubles, this property appears to be inherent because the reference has measured hot decane insolubles at 98.5%.

The reference has not measured crystallinity, pentad ratios or haze of the disclosed PP; however, these properties appear to be inherent in view of the high decane insolubles and the use of external donors which would serve to increase isotacticity (paragraph [0347]).

The burden of proof is shifted to applicants to show that the reference PP does not include the claimed unreported properties.”

Applicants respectfully disagree with the Examiner regarding what Moriya et al. discloses. In particular, Applicants disagree that Moriya et al. discloses a polypropylene resin having a Molecular Weight Distributionr (Mw/Mn) coming within the scope of Applicants' invention of Claims 8 through 25. Applicants respectfully direct the Examiner to the fact that the values of Mw/Mn reported for Comparative Example 3 (Table 5) and all the rest of the polymers of the Examples and Comparative Examples are not the Mw/Mn's for the polymers, but instead are for those “components” of the polymer that are “insoluble in 64⁰C decane.” The Mw/Mn of the neat polymers will be greater than the Mw/Mn of the measured insoluble fraction, due to the fact that the polymers described in Moriya et al. also contain atactic and other lower crystallinity materials (see discussion paragraph [0045]) that are not insoluble under the stated

conditions. Further, values for other listed properties relating to a fractionated insoluble component will not be the same as the values for the polymer. For example, the listed values of mmmm percentage (%) for the fractionated insoluble component will be higher than the values for the polymer as a whole, since the fractionated insoluble component does not include atactic and lower tacticity materials that are part of the overall polymer.

For the above listed reasons, Applicants' disagree that Moriya et al. is a novelty destroying reference and request the Examiner to reconsider his rejection of Claims 8-20 in view of Moriya and urge the Examiner to reexamine Claims 8-25 and to find them patentable over Moriya et al.

35 U.S.C. §112 Rejections/Objections:

Claims 14, 17 and 18 have been cancelled without prejudice. Applicants' believe that with respect to Claims 17 and 18 that it would be clear to one of skill in the art that "ductile to brittle transition" temperature would be determined by analyzing the IZOD impact data. However, to facilitate the prompt issuance of a Patent including the remaining claims, the Claims have been cancelled, without prejudice.

Claim 20 has been amended to include the inadvertently missing zero.

35 U.S.C. §101 Provisional Double Patenting:

Claims 6 and 7 have been cancelled and Claims 1-5 and 8-20 of copending Application No. 10/680,372 have also been cancelled. Applicants' believe these amendments satisfactorily address the 35 U.S.C §101 provisional double patenting rejection.

Additionally, as a courtesy, Applicants have included an English language translation of the Fujita German language reference (together with a Form 1449) referred to by the Examiner in copending Application No. 10/680,372 (i.e. DE 197 27 065.4).

In view of the above amendments and arguments, Applicants again urge that the pending application is in condition for allowance and urge that the case be passed to issuance.

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Respectfully submitted,

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